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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

SANAM ELYASSI,	)	CIVIL NO. CV 12-00356 BMK
	)	
Plaintiff,	)	REPORT OF PARTIES' PLANNING
	)	MEETING; CERTIFICATE OF
vs.	)	SERVICE
	)	
UNITED STATES OF AMERICA;	)	<u>Rule 16 Conference:</u>
TRIPLER ARMY MEDICAL	)	Date: September 24, 2012
CENTER; CHRISTOPHER KLEM,	)	Time: 9:00 a.m.
M.D.; JARED MCKEAN THELER,	)	Judge: United States Magistrate
M.D.; JOHN DOES 1-10; JANE DOES	)	Judge Barry M. Kurren
1-10; DOE BUSINESS ENTITIES 1-	)	
10; DOE GOVERNMENTAL	)	
ENTITIES 1-10; and DOE	)	
DEFENDANTS 1-10,	)	
	)	
Defendants.	)	
_____	)	

REPORT OF PARTIES' PLANNING MEETING

1. Pursuant to Fed.R.Civ.P. 26(f) and LR26.1, a conference was conducted between Chris Dias, attorney for Plaintiff, and Assistant United States

Attorney Harry Yee for Defendants UNITED STATES OF AMERICA, TRIPLER ARMY MEDICAL CENTER, CHRISTOPHER KLEM, M.D. and JARED MCKEAN THELER, M.D. (“Defendants”) on August 23, 2012.

2. **Pre-discovery Disclosures.** The parties will exchange the initial disclosures required by Fed.R.Civ.P. 26(a)(1) by October 8, 2012.

3. **Discovery Plan.** The parties propose this discovery plan:

a. Discovery will be needed on these subjects: All discovery permitted by the Federal Rules of Civil Procedure.

b. Dates for commencing and completing discovery, including discovery to be commenced or completed before other discovery: To be set in the ordinary course in the Scheduling Conference Order.

c. Maximum number of interrogatories by each party to another party, along with the dates responses are due: 25 interrogatories for Plaintiff, and 25 total interrogatories for Defendants collectively, as specified in Rule 33(a)(1), FRCP.

d. Maximum number of requests for admissions, along with the dates responses are due: Admissions may be served and responded to in accordance with Rule 36, FRCP.

e. Maximum number of depositions by each party: 10 oral

depositions per party, subject to additional oral depositions as provided for by stipulation of the parties or leave of court as specified in Rule 30, FRCP. No limit on number of written depositions.

f. Limits on length of depositions, in hours: 7 hours.

g. Dates for exchange of reports of expert witnesses: To be set in the ordinary course by the Scheduling Conference Order.

h. Dates for supplementation under Rule 26(e): To be set in the ordinary course by the Scheduling Conference Order.

**4. Other Items**

a. A date if the parties ask to meet with the court before a scheduling order: Not applicable.

b. Requested dates for pretrial conferences: To be set in the ordinary course by the Scheduling Conference Order.

c. Final dates for the Plaintiffs to amend pleadings or to join parties: To be set in the ordinary course by the Scheduling Conference Order.

d. Final dates for the Defendants to amend pleadings or to join parties: To be set in the ordinary course by the Scheduling Conference Order.

e. Final dates to file dispositive motions: To be set in the ordinary course by the Scheduling Conference Order.

- f. State the prospects for settlement: Uncertain at present.
- g. Identify any alternative dispute resolution procedure that may enhance settlement prospects: The parties do not object to alternative dispute resolution, and have discussed submitting the matter to an early mediation.
- h. Final dates for submitting Rule 26(a)(3) witness lists, designations of witnesses whose testimony will be presented by deposition, and exhibit lists: To be set in the ordinary course by the Scheduling Conference Order.
- i. Final dates to file objections under Rule 26(a)(3): To be set in the ordinary course by the Scheduling Conference Order.
- j. Suggested trial date and estimated length of trial: To be set in the ordinary course by the Scheduling Conference Order.
- k. Other Matters: The parties reserve all rights and objections with respect to the issue of the discovery of Electronically Stored Information and any information, documents and other materials which are in electronic form that are requested and discoverable under Fed.R.Civ.P. 26 being provided in its native format with metadata included.

The Defendants reserve the right to require the Plaintiff to undergo an Independent Medical Examination for the assessment of her neurological condition, and, if necessary, a second Independent Medical Examination for the

purpose of assessing the Plaintiff's life care needs and expenses.

DATED: Honolulu, Hawaii, September 5, 2012.

/s/ Christopher A. Dias  
CHRISTOPHER A. DIAS  
Attorney for Plaintiff

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Plaintiff,	)	CERTIFICATE OF SERVICE
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vs.	)	
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UNITED STATES OF AMERICA;	)	
TRIPLER ARMY MEDICAL	)	
CENTER; CHRISTOPHER KLEM,	)	
M.D.; JARED MCKEAN THELER,	)	
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1-10; DOE BUSINESS ENTITIES 1-	)	
10; DOE GOVERNMENTAL	)	
ENTITIES 1-10; and DOE	)	
DEFENDANTS 1-10,	)	
	)	
Defendants.	)	
_____	)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a file marked copy of the foregoing document will be served electronically upon the party identified below on the date herein indicated:

HARRY YEE, ESQ.  
[Harry.Yee@usdoj.gov](mailto:Harry.Yee@usdoj.gov)

Attorney for Defendants  
UNITED STATES OF AMERICA,  
TRIPLER ARMY MEDICAL CENTER,

CHRISTOPHER KLEM, M.D. and  
JARED MCKEAN THELER, M.D.

DATED: Honolulu, Hawaii, September 5, 2012.

/s/ Christopher A. Dias  
CHRISTOPHER A. DIAS  
Attorney for Plaintiff